

FEDERAL REGISTER
 OF THE UNITED STATES
 1934
 VOLUME 4 NUMBER 173

Washington, Friday, September 8, 1939

The President . . .

EXECUTIVE ORDER

**AUTHORIZING THE INSPECTION OF CERTAIN
INCOME TAX WITHHOLDING RETURNS BY
THE DEPARTMENT OF NATIONAL REVENUE,
OTTAWA, CANADA**

By virtue of the authority vested in me by section 55 (a) of the Revenue Act of 1938 (52 Stat. 447, 478) and section 55 (a) (1) and (2) of the Internal Revenue Code (53 Stat. 1, 29), it is hereby ordered that income tax withholding returns, Form 1042B, filed under the provisions of Title I of the Revenue Act of 1938 (52 Stat. 447, 452), or chapter 1 of the Internal Revenue Code (53 Stat. 1, 4), shall be open to inspection by the Department of National Revenue, Ottawa, Canada, for the purpose of enabling the United States Treasury Department to administer effectively the provisions of the Tax Convention, dated December 30, 1936, between the United States and Canada which was ratified August 13, 1937. Such inspection shall be in accordance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of returns by the Department of National Revenue, Ottawa, Canada, approved by me this date.¹

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Sept 6, 1939.

[No. 8236]

[F. R. Doc. 39-3265; Filed September 7, 1939;
10:48 a. m.]

EXECUTIVE ORDER

**AMENDING SUBDIVISION XVI OF SCHEDULE
A OF THE CIVIL SERVICE RULES**

By virtue of and pursuant to the authority vested in me by the provisions of

paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that Subdivision XVI of Schedule A of the Civil Service Rules be, and it is hereby, amended by the addition of the following paragraph, numbered "3":

"3. One confidential assistant to each of the members of the Civil Aeronautics Authority and to the Administrator, provided that the position of private secretary exempt by statute from competitive civil service requirements in each case is filled by the appointment of a classified civil service employee."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 6, 1939.

[No. 8237]

[F. R. Doc. 39-3264; Filed, September 7, 1939;
10:34 a. m.]

EXECUTIVE ORDER

**EXTENDING THE LIMITS OF THE CUSTOMS
PORT OF ENTRY OF BALTIMORE, MARY-
LAND, IN CUSTOMS COLLECTION DISTRICT
NUMBER 13 (MARYLAND), TO INCLUDE
SPARROWS POINT, MARYLAND**

By virtue of and pursuant to the authority vested in me by section 1 of the Act of August 1, 1914, 38 Stat. 609, 623 (U.S.C. title 19, sec. 2), it is ordered that the limits of the customs port of entry of Baltimore, Maryland, in Customs Collection District No. 13 (Maryland), be, and they are hereby, extended to include Sparrows Point, Maryland.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Sept. 6, 1939.

[No. 8238]

[F. R. Doc. 39-3267; Filed, September 7, 1939;
10:48 a. m.]

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¹ See page 3843.



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EXECUTIVE ORDER

POWER SITE RESTORATION NO. 492, PARTIAL REVOCATION OF EXECUTIVE ORDERS OF DECEMBER 19, 1910, CREATING POWER SITE RESERVE NO. 165 AND OF JANUARY 23, 1912, CREATING POWER SITE RESERVE NO. 241

IDAHO

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, it is hereby ordered as follows:

1. The Executive Order of December 19, 1910, creating Power Site Reserve No. 165, as modified by the orders of December 3, 1912, August 25, 1915, and August 29, 1919, is hereby revoked as to the following-described lands:

Boise Meridian

T. 2 S., R. 38 E.,
sec. 6, lot 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (lot 11);
sec. 7, lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 20, lots 1, 2, 3, and 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 29, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 32, lot 1;
sec. 33, lot 2.

T. 3 S., R. 38 E.,
sec. 11, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 24, lot 5.

T. 3 S., R. 39 E.,
sec. 19, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 29, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 4 S., R. 39 E.,
sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$;

sec. 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 25, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 26, S $\frac{1}{2}$;
sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

sec. 28, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

sec. 36, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 4 S., R. 40 E.,
sec. 31, lots 3, 4, and 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 5 S., R. 40 E.,
sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 6, lots 3, 4, 5, 6, and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$;

sec. 7, lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;

sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 15, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 17, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$.

2. The Executive Order of January 23, 1912, creating Power Site Reserve No. 241 is hereby revoked as to the following-described lands:

Boise Meridian

T. 7 S., R. 42 E.,
sec. 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 23, E $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 7 S., R. 43 E.,
sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;

sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 8 S., R. 43 E.,
sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 2);

sec. 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;

sec. 9, NW $\frac{1}{4}$.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

Sept 6, 1939.

[No. 8239]

[F. R. Doc. 39-3262; Filed, September 7, 1939;
10:33 a. m.]

EXECUTIVE ORDER

CONSTRUCTION OF EXECUTIVE ORDER OF SEPTEMBER 16, 1889, ENLARGING FORT MEADE WOOD AND TIMBER MILITARY RESERVATION

SOUTH DAKOTA

By virtue of the authority vested in me as President of the United States, and

by section 9 of the act of June 7, 1924, 43 Stat. 653, 655, it is hereby ordered as follows:

SECTION 1. The Executive order of September 16, 1889, adding a certain tract of land to the Fort Meade Wood and Timber Military Reservation, shall be construed to embrace sections 4, 5, and 6, T. 4 N., R. 5 E., Black Hills Meridian, South Dakota, in conformity with the plat of survey approved May 16, 1905.

SECTION 2. Executive order No. 4244 of June 5, 1925, establishing the Fort Meade Wood and Timber Military Reservation as the Meade District of the Black Hills National Forest, is hereby modified to the extent necessary to conform with section 1 of this order.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
Sept 6, 1939.
[No. 8240]

[F. R. Doc. 39-3263; Filed, September 7, 1939;
10:34 a. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6774
OF JUNE 30, 1934, WITHDRAWING PUBLIC
LANDS

WASHINGTON

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, Executive Order No. 6774 of June 30, 1934, withdrawing public lands in Washington pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
September 6, 1939.

[No. 8241]
[F. R. Doc. 39-3261; Filed, September 7, 1939;
10:33 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY
[Amendment 26 of Civil Air Regulations]

PROVIDING FOR A NEW METHOD OF DETERMINING PERFORMANCE CHARACTERISTICS OF AIR CARRIER AIRCRAFT

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 6th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

nautics Authority hereby amends the Civil Air Regulations as follows:

Effective September 26, 1939, Part 04, as amended, of the Civil Air Regulations is amended as follows:

1. By striking sections 04.73, 04.730, 04.731, 04.732, 04.730, 04.733 and 04.734 and inserting in lieu thereof the following new section:

“§ 04.73 *Performance characteristics of air carrier aircraft.* No air carrier shall operate aircraft in scheduled air transportation unless data shall have been submitted to and approved by the Authority, covering the determination of such performance characteristics, in addition to those specified in sections 04.70, 04.71 and 04.72, as are, in the opinion of the Authority, necessary to determine the ability of such aircraft to safely perform the type of operation which the air carrier proposes to conduct. The method used for the determination of such ability shall be subject to the approval of the Authority.”

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3284; Filed, September 7, 1939;
12:45 p. m.]

[Amendment 27 of Civil Air Regulations]

FLYING SCHOOLS: SIZE AND DESIGN OF
LANDING AREA

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 6th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective immediately, section 50.103 of the Civil Air Regulations is amended to read as follows:

“§ 50.103. *Landing area.* Applicant shall show that a landing area is available for use in giving flying instruction. The landing area shall have a sufficient number of landing strips of not less than 1,800 feet effective length and 300 feet in width to permit take-offs and landings thereon upwind within 22½ degrees of the wind direction during 75 percent of the year. The minimum effective landing strip length requirement, specified above, is a sea level requirement and shall be increased 1 percent for each 100 feet the landing area is above sea level. Where the landing area is only 300 feet in width, an additional 100 feet in width shall be available for taxiing or parking

of aircraft. The landing area surface shall be suitable for the safe take-off and landing of aircraft under normal weather conditions and shall be marked in accordance with the requirements prescribed by the Authority. The landing area shall have approaches permitting a 20 to 1 glide path to all required landing strips. Each required landing strip shall be in such condition that an aircraft at any point thereon shall be visible from any other point on such landing strip.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-3285; Filed September 7, 1939;
12:45 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS
[T. D. 49953]

GOLDEN GATE INTERNATIONAL EXPOSITION
REGULATION PRESCRIBED TO CARRY INTO EFFECT SECTION 4 OF THE ACT OF APRIL 29, 1939 (PUBLIC, NO. 60, 76TH CONGRESS), AS AMENDED BY THE ACT OF AUGUST 5, 1939 (PUBLIC, NO. 296, 76TH CONGRESS)

SEPTEMBER 2, 1939.

To Collectors of Customs and Others Concerned:

Attention is invited to (1939) T.D. 49884, prescribing regulations to carry into effect Public No. 60, 76th Congress, approved April 29, 1939, which amended the Joint Resolutions of August 16, 1937 (50 Stat. 668) and May 18, 1937 (50 Stat. 187). Section 4 of Public No. 60 reads as follows:

Tourist literature containing scenic, historical, geographic, timetable, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States, all the foregoing, if their entry is not prohibited, and if of bona fide foreign authorship and classifiable under paragraph 1410 of the Tariff Act of 1930, shall be admitted without payment of duty if imported for gratuitous distribution within the exhibits of foreign governments at the New York World's Fair, 1939.

In Public No. 296, 76th Congress, approved August 5, 1939, section 4 of Public No. 60 was amended by inserting before the period at the end thereof a comma and the following:

or at the Golden Gate International Exposition of 1939.

The following regulation is prescribed to carry into effect the provisions of Public No. 296, 76th Congress:

Tourist literature classifiable under section 4 of Public No. 60, as amended by Public No. 296, may be admitted free of duty under a regular consumption entry, or if entered under the joint resolution approved May 18, 1937 (50 Stat. 187), as amended by Public No. 60 and Public No. 296, may be withdrawn without the payment of duty. In either such

case, there shall be filed in connection with the entry or withdrawal a declaration of the commissioner or other representative of the foreign government sponsoring the exhibition at which the literature is to be distributed, in the following form:

I hereby declare that the _____ case or cases _____ marked _____ imported ex carrier _____ on _____ consigned to _____ covered by San Francisco consumption entry or withdrawal No. _____ contain(s) tourist literature which is classifiable under section 4 of Public No. 60 of the 76th Congress, as amended by Public No. 296. This literature is imported for gratuitous distribution within the exhibit of the _____ Government at the Golden Gate International Exposition.

By _____
(Name and Title)

(Government)

Paragraph (5) of (1939) T.D. 49884 is supplemented accordingly.

[SEAL] STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3273; Filed, September 7, 1939;
11:06 a. m.]

TITLE 22—FOREIGN RELATIONS DEPARTMENT OF STATE

SUPPLEMENT TO THE PAMPHLET, "INTERNATIONAL TRAFFIC IN ARMS—LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR"

PART IX—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND

SEPTEMBER 5, 1939.

The President's proclamation of September 5, 1939, issued pursuant to section 1 of the joint resolution of Congress approved May 1, 1937, reads as follows:

[Here follows, in the original document, the text of Proclamation No. 2349 which appears at Page 3819 of the "Federal Register" for Thursday, September 7, 1939.]

No export licenses will be issued for shipments destined to France; Germany; Poland, or the United Kingdom, India, Australia and New Zealand of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of September 5, 1939.

By virtue of the power delegated to the Secretary of State by this proclamation of September 5, 1939, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, as made effective by this proclamation, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war

enumerated in the proclamation to present convincing evidence that they are not destined to France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section 6 of the joint resolution of Congress approved May 1, 1937, reads as follows:

SEC. 6. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transhipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists.

(b) Whoever, in violation of the provisions of this section, shall take, or attempt to take, or shall authorize, hire, or solicit another to take, any American vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than \$10,000, or imprisoned not more than five years, or both; and, in addition, such vessel, and her tackle, apparel, furniture, and equipment, and the arms, ammunition, and implements of war on board, shall be forfeited to the United States.

Section 10 of the same joint resolution reads as follows:

SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, or any state wherein civil strife exists, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels.

Under the provisions of this section and by virtue of the power delegated to the Secretary of State by this proclamation of September 5, 1939, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, the Secretary of State announces that American vessels engaged in commerce with France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels.

[SEAL] CORDELL HULL,
Secretary of State.

[F. R. Doc. 39-3288; Filed, September 7, 1939;
1:37 p. m.]

REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION OF CONGRESS AP- PROVED MAY 1, 1937

SEPTEMBER 5, 1939.

Section 9 of the joint resolution of Congress approved May 1, 1937, amend-

ing the joint resolution approved August 31, 1935, provides as follows:

Whenever the President shall have issued a proclamation under the authority of section 1 of this Act it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of the state or states named in such proclamation, except in accordance with such rules and regulations as the President shall prescribe: *Provided, however, That the provisions of this section shall not apply to a citizen of the United States traveling on a vessel whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: And provided further, That they shall not apply under ninety days after the date of the President's proclamation to a citizen of the United States returning from a foreign state to the United States. Whenever, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.*

Section 12 of the said joint resolution provides as follows:

In every case of the violation of any of the provisions of this Act or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

Section 11 of the said joint resolution provides as follows:

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of September 5, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution, provides in part as follows:

"And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions."

In pursuance of those provisions of the law and of the President's proclamation of September 5, 1939, which are quoted above, the Secretary of State announces the following regulations:

American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand if the public service requires.

Other American citizens may travel on vessels of France; Germany; Poland; or

the United Kingdom, India, Australia and New Zealand, provided, however, that travel on or over the north Atlantic Ocean, east of 30 degrees west and north of 30 degrees north or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Secretary of State in each case.

[SEAL]

CORDELL HULL,
Secretary of State.

[F. R. Doc. 39-3289; Filed, September 7, 1939;
1:37 p. m.]

RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, AND NEW ZEALAND

Section 3 of the joint resolution of Congress approved May 1, 1937, (Public Resolution—No. 27—75th Congress—First Session) amending the joint resolution approved August 31, 1935, as amended, provides in part as follows:

(a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or of any state wherein civil strife exists, named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or of any faction or asserted government within any such state wherein civil strife exists, or of any person acting for or on behalf of any faction or asserted government within any such state wherein civil strife exists, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, faction, asserted government or person, or to solicit or receive any contribution for any such government, political subdivision, faction, asserted government or person: *Provided, That . . . Nothing in this subsection shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, political subdivision, faction, or asserted government, but all such solicitations and collections of funds shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.* [Italics supplied.]

(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

On September 5, 1939, the President issued a proclamation in respect to France; Germany; Poland; and the United Kingdom, India, Australia, and

New Zealand, under the authority of section 1 of the said joint resolution, thereby making effective in respect to those countries the provisions of section 3 of the said joint resolution quoted above.

Section 11 of the said joint resolution provides as follows:

Sec. 11. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of September 5, 1939, referred to above, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

"And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions."

In pursuance of those provisions of the law and of the President's proclamation of September 5, 1939, which are referred to above, the Secretary of State promulgates the following regulations:

(1) The term "person" as used herein and in the Act of May 1, 1937, includes a partnership, company, association, organization or corporation as well as a natural person.

(2) Any person within the United States, its territories, insular possessions (including the Philippine Islands), the Canal Zone, and the District of Columbia who desires to engage in the solicitation or collection of contributions to be used for medical aid and assistance in France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand, or for food and clothing to relieve human suffering in any of those countries, and who is not acting for or on behalf of the governments of France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand, or any political subdivision of any of such countries, shall register with the Secretary of State. To this end, such person shall make application to the Secretary of State upon the form provided therefor.

(3) Organizations or associations having chapters shall list them in their application for registration and shall set forth therein the addresses of such chapters. In case chapters are formed after the registration of the parent organization, the parent should immediately inform the Secretary of State in order that its registration may be amended to name the new chapter or chapters.

(4) No person shall solicit or collect contributions without having in his pos-

session a notice from the Secretary of State of acceptance of registration which has not been revoked; *Provided, however,* That nothing in this regulation shall be construed as requiring a duly authorized agent of a registrant to have in his possession a notice of acceptance of registration. Chapters named in the parent organization's registration may, of course, operate under this registration. Notices of acceptance of registration shall not be exhibited, used, or referred to, in any manner which might be construed as implying official endorsement of the persons engaged in the solicitation or collection of contributions.

(5) All persons registered with the Secretary of State must maintain for his inspection or that of his duly authorized agent, complete records of all transactions in which the registrant engages.

(6) Persons receiving notification of acceptance of registration shall submit to the Secretary of State not later than the tenth day of every month following the receipt of such notification sworn statements, in duplicate, on the form provided therefor setting forth fully the information called for therein.

(7) The Secretary of State reserves the right to reject applications or to revoke registrations for failure on the part of the registrant to comply with the provisions or purposes of the law or of these regulations.

(8) A registrant may act as an agent for the transmittal abroad of funds received by another registrant but such funds shall not be accountable as contributions received by the transmitting registrant.

(9) Any changes in the facts set forth in the registrant's application for registration, such as change of address, of officers, or of means of distribution abroad, should be reported promptly to the Secretary of State in the form of a supplemental application, in duplicate, properly sworn to.

(10) In view of the purposes and special status of "The American National Red Cross" as set forth in the Act of Congress approved January 5, 1905, entitled "An Act to incorporate the American National Red Cross" (33 Stat. 599), and particularly in view of the fact that it is required by law to submit to the Secretary of War for audit "a full, complete, and itemized report of receipts and expenditures of whatever kind", so that the submission to the Secretary of State of reports of funds received and expended would constitute an unnecessary duplication, "The American National Red Cross" is not required to conform to the provisions of these regulations.

[SEAL]

CORDELL HULL,
Secretary of State.

SEPTEMBER 5, 1939.

[F. R. Doc. 39-3290; Filed, September 7, 1939;
1:38 p. m.]

TITLE 24—HOUSING CREDIT

FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS
FOR THE FEDERAL HOME LOAN BANK
SYSTEMRESPECTING INVESTMENTS BY FEDERAL HOME
LOAN BANKS

Be it resolved, That paragraphs (b) (1), (c) and (d) (1) of Section 4.1 of the Rules and Regulations for the Federal Home Loan Bank System are hereby amended, effective September 7, 1939, to read as follows:

PAR. b. Investments required by subsection (g) of Section 11 of the Act. (1) Ordinarily purchases and sales of obligations of the United States shall originate with the Regional Banks. No purchase or sale of such securities shall be made without the prior approval of the majority of the members of the board of directors, the executive committee, or an investment committee of not less than three, at least one of whom shall be a director, and no such purchase or sale of securities shall be made without the prior approval of the Board.

PAR. c. Investment of excess funds. Ordinarily purchases and sales of obligations of the United States or other securities shall originate with the Regional Banks. No purchase or sale of such securities shall be made without the prior approval of the majority of the members of the board of directors, the executive committee, or an investment committee of not less than three, at least one of whom shall be a director, and no such purchase or sale of such securities shall be made without the prior approval of the Board.

PAR. d. Investment of reserves required by Section 16 of the Act. (1) Ordinarily purchases and sales of obligations of the United States or other securities shall originate with the Regional Banks. No purchase or sale of such securities shall be made without the prior approval of the majority of the members of the board of directors, the executive committee, or an investment committee of not less than three, at least one of whom shall be a director, and no purchase or sale of securities shall be made without the prior approval of the Board." (Sec. 11 of F.H.L.B.A., 47 Stat. 734, as amended by 503, 48 Stat. 1261; 12 U.S.C. 1431; Sec. 16 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1436; Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Adopted by the Federal Home Loan Bank Board on September 6, 1939.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3257; Filed, September 6, 1939;
3:09 p. m.]

HOME OWNERS' LOAN
CORPORATION

[Administrative Order No. 339]

PART 403—PROPERTY MANAGEMENT

MAINTENANCE REPAIRS DEFINED

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

The last paragraph of Section 403.11-17 is amended to read as follows:

"Maintenance repairs are defined as that reconditioning of a minor and ordinary nature arising from wear and tear and customarily furnished by Management Brokers and rental agents in their day to day management of properties, and include repairs due to insurance losses involving expenditures within the dollar limitations on the authority of Contract Brokers as provided in Section 403.14."

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3255; Filed, September 6, 1939;
3:09 p. m.]

[Administrative Order No. 345]

PART 403—PROPERTY MANAGEMENT

AUTHORITY TO CANCEL RENTAL AGREEMENTS

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.11-30 is amended by adding a new paragraph at the end thereof reading as follows (Effective September 1, 1939):

The Regional Manager is authorized to direct the cancellation of rental agreements on such terms and conditions and for such consideration moving either to the Corporation or to the tenant as in his opinion may be in the best interests of the Corporation, and thereupon any instruments necessary to effect such cancellation may be executed and delivered on behalf of the Corporation by any officer or employee of the Corporation who is authorized to execute on its behalf the rental agreement which is to be cancelled.

(Above procedure promulgated by General Manager and General Counsel

pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3254; Filed, September 6, 1939;
3:09 p. m.]

[Administrative Order No. 520]

PART 405—RECONDITIONING

ASSIGNMENT OF RECONDITIONING CASES

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

The first paragraph of Section 405.01-37 is amended to read as follows (Effective September 1, 1939):

§ 405.01-37 Contract Management Brokers, who, in the opinion of the Property Management Division and the Reconditioning Section, are qualified and have the necessary facilities may serve the Corporation as fee inspectors. Contract Brokers may serve as contractors when so qualified or may serve to supervise the work of other contractors.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3256; Filed, September 6, 1939;
3:09 p. m.]

TITLE 26—INTERNAL REVENUE
BUREAU OF INTERNAL REVENUE

[T. D. 31]

PART 466—SEIZURE, FORFEITURE, AND DISPOSITION OF VESSELS, VEHICLES AND AIRCRAFT UNDER THE ACT OF AUGUST 9, 1939

ORDER OF THE SECRETARY OF THE TREASURY
RELATING TO THE BUREAU OF INTERNAL REVENUE AND THE BUREAU OF NARCOTICS

§ 466.1 Officers who will make seizures. For the purpose of carrying out

the provisions of the Act of Congress approved August 9, 1939 (Public, No. 357, 76th Cong., 1st sess.), the following persons are hereby authorized and designated to seize such vessels, vehicles, and aircraft as may be subject to seizure by virtue of the provisions of the said Act:

(a) all officers engaged in the enforcement of the Federal narcotic drug laws and the Marihuana Tax Act of 1937; and

(b) the Commissioner of Internal Revenue, and all persons authorized by or pursuant to any provisions of law relating to internal revenue to make seizures.

(Sec. 3 of the Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T.D. 31, Aug. 31, 1939]

§ 466.2 *Custody*. The following officers are hereby authorized and designated to hold in custody, awaiting disposition pursuant to the provisions of the said Act of Aug. 9, 1939, and any regulations issued thereunder, vessels, vehicles, and aircraft seized pursuant to the said Act:

(a) the narcotic district supervisor for the district in which the seizure is made, when the seizure is made in connection with a violation involving a contraband article covered by section 1 (b) (1) of the said Act; and

(b) the collector of internal revenue for the district in which the seizure is made, when the seizure is made in connection with a violation involving a contraband article covered by section 1 (b) (2) of the said Act.

Provided. That in the case of any seizure involving contraband articles covered by two or more of the subsections (b) (1), (b) (2) and (b) (3) of section 1 of the said Act, custody shall be in the appropriate officer (as above indicated in this section or in the order relating to seizures involving subsection (b) (3)) of the branch of the Treasury service to which the seizing officer belongs.

(Sec. 3 of the Act of August 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T.D. 31, Aug. 31, 1939]

§ 466.3 *Other duties*. The respective officers hereinbefore authorized and designated to hold in custody seized vessels, vehicles, and aircraft under this Act are hereby authorized and designated to perform such other duties with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this Act, as are imposed upon the collectors of customs and appraisers with respect to seizures and forfeitures of vessels and vehicles under the customs laws.

(Sec. 4 of the Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T.D. 31, Aug. 31, 1939]

§ 466.4 *Authority for order*. This order is issued under the authority contained in sections 3 and 4 of the Act of August 9, 1939 (Public No. 357, 76th

Cong., 1st sess.). [T.D. 31, Aug. 31, 1939]

[SEAL] JOHN W. HANES,
Acting Secretary of the Treasury.

AUGUST 31, 1939.

[F. R. Doc. 39-3274; Filed, September 7, 1939;
11:07 a. m.]

[T. D. 4933]

REGULATIONS 90, AS AMENDED, RELATING TO EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT, AND SUCH REGULATIONS AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE FURTHER AMENDED

EXEMPTION FROM TAXATION OF SERVICES RENDERED PRIOR TO JANUARY 1, 1940, IN THE EMPLOY OF FOREIGN GOVERNMENTS AND CERTAIN OF THEIR INSTRUMENTALITIES

To Collectors of Internal Revenue and Others Concerned:

In order to conform Regulations 90, approved February 17, 1936 [Part 400, Title 26, Code of Federal Regulations], as amended, relating to the excise tax on employers under Title IX of the Social Security Act, and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,¹ approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 902 (f) of the Social Security Act Amendments of 1939, approved August 10, 1939 (Public, No. 379, 76th Cong., 1st sess.), each of such regulations are further amended as follows:

(1) Immediately preceding sections 901 and 907 (b) of the Social Security Act quoted immediately preceding article 207 [section 400.207, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.
No tax shall be collected under title * * * IX of the Social Security Act or under * * * the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections * * * 1607 (c) of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

SECTION 615 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Subchapter C of chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"SEC. 1611. This subchapter may be cited as the 'Federal Unemployment Tax Act.'

SECTION 614 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Effective January 1, 1940, section 1607 of the Internal Revenue Code is amended to read as follows:

"SEC. 1607. DEFINITIONS.

"When used in this subchapter—

(c) **EMPLOYMENT**. The term "employment" means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him, irrespective of the citizenship or residence of either, except—

"(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative);

"(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

"(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

"(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

"ART. 206 (9) [Sec. 400.206 (9), Title 26, Code of Federal Regulations] *Exemption from taxation of services performed in the employ of foreign governments and certain of their instrumentalities*—(a) *Service performed in the employ of a foreign government*. Service performed in the employ of a foreign government is not subject to the tax. The exemption embraces not only services performed by ambassadors, ministers, and other diplomatic representatives but also includes services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative thereof. For purposes of the exemption, the citizenship of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

"(b) *Service performed in the employ of certain instrumentalities of foreign governments*. Service performed in the employ of certain instrumentalities of a foreign government is likewise not subject to the tax. The exemption extends to all services performed in the employ of an instrumentality of the government of a foreign country, without distinction between those exercising functions of a governmental nature and those exercising functions of a proprietary nature: *Provided*,

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the United States or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the

United States Government and of instrumentalities thereof.

"For purposes of this exemption the citizenship of the employee is likewise immaterial."

(2) Immediately preceding article 504 [section 400.504, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939
No tax shall be collected under title * * * IX of the Social Security Act or under * * * the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections * * * 1607 (c) of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

"ART. 503 1/4 [Sec. 400.503 1/4, Title 26, Code of Federal Regulations] *Refund under section 902 (f) of the Social Security Act Amendments of 1939.* Any tax (including interest or penalty, if any) paid with respect to services rendered prior to January 1, 1940, which are described in paragraph (11) or (12) of section 1607 (c) of the Federal Unemployment Tax Act, as amended by section 614 of the Social Security Act Amendments of 1939 (see article 206 (9) [section 400.206 (9), Title 26, Code of Federal Regulations, 1939 Sup.]), may be refunded to the person who paid the amount of such tax to the collector. No interest shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations], relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 908 of the Social Security Act (49 Stat. 643; 42 U.S.C., Sup. IV, 1108), and sections 1609 and 3791 of the Internal Revenue Code (53 Stat., Part 1); and interprets section 902 (f) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.) and section 1607 (c) (11) and (12) of the Federal Unemployment Tax Act, as amended by section 614 of such Social Security Act Amendments of 1939.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, September 6, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3271; Filed, September 7, 1939;
11:06 a. m.]

[T. D. 4934]

REGULATIONS 91, AS AMENDED, RELATING TO EMPLOYEES' TAX AND THE EMPLOYERS' TAX UNDER TITLE VIII OF THE SOCIAL SECURITY ACT, AND SUCH REGULATIONS AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, FURTHER AMENDED

EXEMPTION FROM TAXATION OF SERVICES RENDERED PRIOR TO JANUARY 1, 1940, IN THE EMPLOY OF FOREIGN GOVERNMENTS AND CERTAIN OF THEIR INSTRUMENTALITIES

To Collectors of Internal Revenue and Others Concerned:

In order to conform Regulations 91, approved November 9, 1936 [Part 401, Title 26, Code of Federal Regulations], as amended, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,² approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 902 (f) of the Social Security Act Amendments of 1939, approved August 10, 1939 (Public, No. 379, 76th Cong., 1st sess.), each of such regulations are further amended as follows:

(1) Immediately after article 13, as amended by Treasury Decision 4801,³ approved April 28, 1938 [section 401.13, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No tax shall be collected under title VIII * * * of the Social Security Act or under the Federal Insurance Contributions Act * * *, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections 1426 (b) * * * of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

SECTION 607 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

Subchapter A of chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"SEC. 1432. This subchapter may be cited as the 'Federal Insurance Contributions Act'."

SECTION 606 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

Effective January 1, 1940, section 1426 of the Internal Revenue Code is amended to read as follows:

"SEC. 1426. DEFINITIONS.

"When used in this subchapter—

"(b) EMPLOYMENT. The term 'employment' means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, by an em-

ployee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—

"(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

"(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

"(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

"(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employee thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

"ART. 13 1/2 [Sec. 401.13 1/2, Title 26, Code of Federal Regulations] *Exemption from taxation of services performed in the employ of foreign governments and certain of their instrumentalities—*

"(a) *Service performed in the employ of a foreign government.* Service performed in the employ of a foreign government is not subject to the taxes. The exemption embraces not only services performed by ambassadors, ministers, and other diplomatic representatives but also includes services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative thereof. For purposes of the exemption, the citizenship of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

"(b) *Service performed in the employ of certain instrumentalities of foreign governments.* Service performed in the employ of certain instrumentalities of a foreign government is likewise not subject to the taxes. The exemption extends to all services performed in the employ of an instrumentality of the government of a foreign country, without distinction between those exercising functions of a governmental nature and those exercising functions of a proprietary nature; *Provided:*

"(1) The instrumentality is wholly owned by the foreign government;

"(2) The services are of a character similar to those performed in foreign countries by employees of the United States or of an instrumentality thereof; and

"(3) The Secretary of State certifies to the Secretary of the Treasury that the

¹ 1 F.R. 1764.

² 4 F.R. 879 DI.

³ 3 F.R. 1005 DI.

foreign government with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

"For the purposes of this exemption the citizenship of the employee is likewise immaterial."

(2) Immediately after article 504 [section 401.504, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No tax shall be collected under title VIII * * * of the Social Security Act or under the Federal Insurance Contributions Act * * *, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections 1426 (b) * * * of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

"ART. 504½ [Sec. 401.504½, Title 26, Code of Federal Regulations] *Refund under section 902 (f) of the Social Security Act Amendments of 1939.* Any tax (including interest or penalty, if any) paid with respect to services rendered prior to January 1, 1940, which are described in paragraph (11) or (12) of section 1426 (b) of the Federal Insurance Contributions Act, as amended by section 606 of the Social Security Act Amendments of 1939 (see article 13½ [section 401.13½, Title 26, Code of Federal Regulations, 1939 Sup.]), may be refunded to the person who paid the amount of such tax to the collector. No interest shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 504 [section 401.504, Title 26, Code of Federal Regulations], relating to credit or refund of overpayments which are not adjustable. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 808 of the Social Security Act (49 Stat. 638; 42 U.S.C., Sup. IV, 1008), and sections 1429 and 3791 of the Internal Revenue Code (53 Stat., Part 1); and interprets section 902 (f) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.) and section 1426 (b) (11) and (12) of the Federal Insurance Contributions Act, as

amended by section 605 of such Social Security Act Amendments of 1939)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, September 6, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3272; Filed, September 7, 1939;
11:06 a. m.]

which was ratified August 13, 1937. (Sec. 55 (a), 52 Stat. 478, 26 U.S.C., Sup. IV, 55 (a); sec. 55 (a) (1) and (2), 53 Stat. 29.) [T. D. 4936, Bu. Int. Rev., September 6, 1939]

§ 463E.1 *Procedure for inspection.* Upon receipt by the Commissioner of Internal Revenue of income tax withholding returns, Form 1042B, duplicate copies thereof shall be forwarded to the Department of National Revenue, Ottawa, Canada. (Sec. 55 (a), 52 Stat. 478, 26 U.S.C., Sup. IV, 55 (a); sec. 55 (a) (1) and (2), 53 Stat. 29.) [T. D. 4936, Bu. Int. Rev., September 6, 1939]

[SEAL] JOHN W. HANES,
Acting Secretary of the Treasury.

Approved: Sept. 6, 1939.
FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 39-3266; Filed, September 7, 1939;
10:48 a. m.]

[T. D. 4935]

TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT (SUBCHAPTER A OF CHAPTER 9 OF THE INTERNAL REVENUE CODE, WHICH SUPERSEDES TITLE VIII OF THE SOCIAL SECURITY ACT) WITH RESPECT TO SERVICE PERFORMED AFTER DECEMBER 31, 1938, BY AN INDIVIDUAL AFTER HE ATTAINS AGE 65

REGULATIONS 91, AS AMENDED, AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885, AMENDED

To Collectors of Internal Revenue and Others Concerned:

In order to conform Regulations 91, approved November 9, 1936 (Part 401, Title 26, Code of Federal Regulations), as amended, as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (Part 465, Subpart B, of such Title 26), to section 905 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), such regulations only as made applicable to the Internal Revenue Code are amended as follows:

(1) Immediately preceding article 1 [section 401.1, Title 26, Code of Federal Regulations] the following is inserted:

SECTION 905 (A) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No service performed at any time during the calendar year 1939 by any individual shall, by reason of the individual having attained the age of sixty-five, be excepted from employment as defined in section 1426 (b) of subchapter A of chapter 9 of the Internal Revenue Code. Paragraph (4) of such section (which excepts such service from employment) is repealed as of the effective date thereof, and paragraph (4) of section 811 (b) of the Social Security Act is repealed as of January 1, 1939. * * *

¹ 1 F.R. 1764.

² 4 F.R. 879 DI.

(2) Immediately preceding article 9 [section 401.9, Title 26, Code of Federal Regulations] the following is inserted:

SECTION 905 OF THE SOCIAL SECURITY ACT
AMENDMENTS OF 1939

(a) No service performed at any time during the calendar year 1939 by any individual shall, by reason of the individual having attained the age of sixty-five, be excepted from employment as defined in section 1426 (b) of subchapter A of chapter 9 of the Internal Revenue Code. Paragraph (4) of such section (which excepts such service from employment) is repealed as of the effective date thereof, and paragraph (4) of section 811 (b) of the Social Security Act is repealed as of January 1, 1939. The tax on employees imposed by section 1400 of such subchapter and the tax on employers imposed by section 1410 of such subchapter, and the provisions of law applicable to such taxes, shall apply with respect to remuneration paid after December 31, 1938, for service which, by reason of the enactment of this section, constitutes employment as so defined.

(b) Notwithstanding any other provision of law, no employer shall be liable for the tax on any employee, imposed by section 1400 of such subchapter (unless the employer collects such tax from the employee), with respect to service performed before the date of enactment of this Act which constitutes employment by reason of the enactment of this section, except to the extent that the employer has under his control at any time on or after the ninetieth day after such date amounts of remuneration earned at any time by the employee.

(3) Article 9 [section 401.9, Title 26, Code of Federal Regulations] is amended to read as follows:

"ART. 9. Employees who have attained age 65. Services performed prior to January 1, 1939, by an individual after he has attained the age of 65 years are excepted. The employer has the burden of establishing to the satisfaction of the Commissioner the age of any employee whose services are claimed to be excepted by reason of his having attained the age of 65. All services performed prior to January 1, 1939, by an individual on and after the day preceding the sixty-fifth anniversary of his birth are within this exception. Services performed on and after January 1, 1939, by an individual after he has attained the age of 65 are not excepted by reason of his attainment of such age. Such services of an employee, unless otherwise excepted from employment (e. g., agricultural labor), constitute employment, and the employees' tax and the employers' tax apply with respect to wages therefor paid after December 31, 1938."

(4) Immediately after article 204 [section 401.204, Title 26, Code of Federal Regulations] the following new article is inserted:

"ART. 204 1/2 [Sec. 401.204 1/2, Title 26, Code of Federal Regulations] Collection of, and liability for, employees' tax with respect to service performed by an employee after he attains age 65. Under the provisions of section 905 of the Social Security Act Amendments of 1939, enacted August 10, 1939, service performed on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. The employer is liable for the employers' tax with respect to wages paid for such service, including wages paid prior to August 10, 1939. (See article 9, as amended [section

on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. The employer shall collect the employees' tax with respect to such service as follows:

(a) With respect to wages paid to the employee for service performed on and after August 10, 1939, by deducting the amount of such tax from his wages as and when paid.

(b) With respect to wages paid to the employee for service performed prior to August 10, 1939, by deducting the amount of the tax from such of his remuneration (whether or not such remuneration constitutes wages) as is under the control of the employer on or after such date, in addition to the employees' tax, if any, with respect to such remuneration.

"Until collected from him the employee is liable for the employees' tax with respect to wages received by him for such service. The employer is liable for all employees' tax collected by him with respect to such service. The employer is liable for the employees' tax with respect to such service performed on and after August 10, 1939, whether or not collected from the employee. Notwithstanding any other provision of these regulations, the employer is liable for the employees' tax not collected from the employee with respect to such service performed prior to August 10, 1939, only to the extent that the employer has

under his control at any time on or after November 8, 1939, amounts of remuneration earned at any time by the employee. Except as provided in the preceding sentence, this article shall not be deemed to limit the application of article 204 [section 401.204, Title 26, Code of Federal Regulations] (relating, generally, to collection of, and liability for, employees' tax) to the employees' tax with respect to such service. (See article 9, as amended [section 401.9, Title 26, Code of Federal Regulations, 1939 Sup.], relating to the exception of service performed prior to January 1, 1939, by an individual after he attains the age of 65.)"

(5) Immediately after article 304 [section 401.304, Title 26, Code of Federal Regulations] the following new article is inserted:

"ART. 304 1/2 [Sec. 401.304 1/2, Title 26, Code of Federal Regulations] Liability for employers' tax with respect to service performed by an employee after he attains age 65. Under the provisions of section 905 of the Social Security Act Amendments of 1939, enacted August 10, 1939, service performed on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. The employer is liable for the employers' tax with respect to wages paid for such service, including wages paid prior to August 10, 1939. (See article 9, as amended [section

401.9, Title 26, Code of Federal Regulations, 1939 Sup.], relating to the exception of service performed prior to January 1, 1939, by an individual after he attains the age of 65.)"

(6) Immediately after article 402 1/2 [section 401.402 1/2, Title 26, Code of Federal Regulations], added by Treasury Decision 4786, approved December 29, 1937, the following new article is inserted:

"ART. 402 3/4 [Sec. 401.402 3/4, Title 26, Code of Federal Regulations] Manner of reporting taxable wages for service performed by an employee after he attains age 65. Under the provisions of section 905 of the Social Security Act Amendments of 1939, service performed on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. Taxable wages with respect to such service shall be reported in returns as provided in article 402 1/2 [section 401.402 1/2, Title 26, Code of Federal Regulations] (relating, generally, to the manner of reporting taxable wages); except that taxable wages with respect to such service, actually or constructively paid on or before June 30, 1939, shall be reported in the return for the quarter ending on September 30, 1939, together with taxable wages actually or constructively paid in such quarter."

(7) Article 410 [section 401.410, Title 26, Code of Federal Regulations] is amended to read as follows:

"ART. 410. Payment of tax. The employees' tax and the employers' tax required to be reported on each return on Form SS-1 or SS-1a are due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing such return. With respect to wages paid on or before June 30, 1939 (as well as wages paid during the quarter ending September 30, 1939), for services rendered on or after January 1, 1939, by an individual after his attainment of the age of 65, the employees' tax and the employers' tax are due and payable to the collector, without assessment or notice, at the time fixed for filing the return on Form SS-1a for the quarter ending September 30, 1939. For provisions relating to interest and penalties see articles 602, 603, and 604 [sections 401.602, 401.603, and 401.604, Title 26, Code of Federal Regulations]."

This Treasury Decision is issued under the authority contained in sections 1420 and 1429 of the Internal Revenue Code (53 Stat., Part 1); and interprets section 905 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), sections 1400, 1401 (a) and (b), 1410, and 2702 of the Internal Revenue Code (53 Stat., Part 1), and sections 1400, 1410, and 1426 (b) of the

Internal Revenue Code, as amended by such Social Security Act Amendments of 1939.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, September 6, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3286; Filed, September 7, 1939;
12:46 p. m.]

TITLE 29—LABOR

WAGE AND HOUR DIVISION

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSEY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order)¹ are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

Name and Address of Firm

Black Hosiery Mills—5 learners, Midland, North Carolina.

Union Manufacturing Company—6 learners, Frederick, Maryland.

Propper-McCallum Hosiery Co., Inc., Northampton, Massachusetts.

Contour Hosiery Mills, Rockford, Illinois.

Easton Hosiery Mills—5 learners, Easton, Maryland.

Gray Line Hosiery Company, Chambersburg, Pennsylvania.

J. A. Cline and Son, Hildebran, North Carolina.

Carpenter Hosiery Mills—5 learners, Wytheville, Virginia.

Chestertown Hosiery, Inc.—5 learners, Chestertown, Maryland.

W. B. Davis and Son, Inc., Fort Payne, Alabama.

Valley Rose Hosiery Mill—4 learners, West Grove, Pennsylvania.

Maryon Hosiery Mill—5 learners, Carrollton, Georgia.

Unrivaled Hosiery Mill, Williamstown, Pennsylvania.

Bennington Hosiery Company—2 learners, Bennington, Vermont.

Hazel Knitting Mills, Inc.—4 learners, Burlington, North Carolina.

Walker County Hosiery Mills, Lafayette, Georgia.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.² For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 6th day of September 1939.

MERLE D. VINCENT,
Chief of Hearings and
Exemptions Section.

[F. R. Doc. 39-3259; Filed, September 7, 1939;
9:23 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

FEDERAL WORKS AGENCY—PUBLIC WORKS ADMINISTRATION

[Special Order No. PWA-1]

ADOPTION BY PUBLIC WORKS ADMINISTRATION IN FEDERAL WORKS AGENCY OF RULES, REGULATIONS, ORDERS, BULLETINS, CIRCULARS, FORMS, MANUALS AND SIMILAR DOCUMENTS OF FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

JULY 1, 1939.

1. All rules, regulations, orders, bulletins, circulars, forms, manuals and similar documents heretofore duly issued by the Federal Emergency Administration of Public Works or by an official thereof, in force and effect as of June 30, 1939 (hereinafter referred to as the "Documents"), are hereby adopted by and, insofar as appropriate, made applicable to the Public Works Administration in the Federal Works Agency.

2. All references in the Documents to the Administrator or to the Assistant Administrator of the Federal Emergency Administration of Public Works shall hereafter be deemed to refer to the Commissioner of Public Works.

3. All references in the Documents to the Federal Emergency Administration

of Public Works shall hereafter be deemed to refer to the Public Works Administration in the Federal Works Agency.

4. Any rights, privileges or obligations of the Administrator or of the Assistant Administrator of the Federal Emergency Administration of Public Works under any offers, contracts or agreements shall be the rights, privileges and obligations of the Commissioner of Public Works.

5. This order is issued pursuant to the Reorganization Act of 1939 and Reorganization Plan No. 1 transmitted to the Congress by the President.

JOHN M. CARMODY,
Federal Works Administrator.

[F. R. Doc. 39-3258; Filed, September 6, 1939;
4:14 p. m.]

TITLE 46—SHIPPING

UNITED STATES MARITIME COMMISSION

[General Order No. 25, Amended]

ESTABLISHING THE UNITED STATES MARITIME SERVICE

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 5th day of September 1939.

General Order No. 25³ is hereby amended to read as follows:

There is hereby established, pursuant to the authority vested in the Commission by section 216 of the Merchant Marine Act, 1936, as amended, a voluntary organization to be known as the United States Maritime Service which shall consist of such American citizens as may be enrolled under the provisions of said section, this order, and such rules and regulations as may be prescribed by the Commission for the government of said Service.

The number of persons to be enrolled in said Service, the rates of pay of such persons, and the courses and periods of training shall be determined, fixed, and prescribed by the Commission in such manner and form as may appear to it to be necessary to maintain a trained and efficient merchant-marine personnel. The ranks, grades, and ratings for the personnel of the said Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard.

In the administration and conduct of the said Service the Commission shall, subject to the consent and approval of the Secretary of the Treasury, avail itself of the use of such information, services, facilities, officers, and employees of the Coast Guard and the Public Health Service and the Civilian Conservation Corps, with the approval of their respective Executive Heads, as may be necessary for the operation of said Service,

FEDERAL REGISTER, Friday, September 8, 1939

such use to be at the expense of the Commission.

Enrollment and training in the United States Maritime Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States merchant marine who comply with the requirements prescribed by the Commission as well as to young American citizens between the ages of 18 and 23 years who desire to train for service in the American merchant marine and who qualify for such training under regulations prescribed by the Commission. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or non-membership in any organization. Eligibility for enrollment shall be determined by the Commandant of the Coast Guard in accordance with the rules and regulations prescribed by the Commission.

Nothing in this Order shall be construed to affect the cadet system established by the Commission's General Order No. 23, as amended.²

This amended order shall become effective as of September 1, 1939.

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.,
Secretary.

[F. R. Doc. 39-3277; Filed, September 7, 1939;
11:36 a. m.]

[General Order No. 15, Sup. 13a]

MINIMUM MANNING SCALES FOR THE S. S. "ALMERIA LYKES," S. S. "GENEVIEVE LYKES," S. S. "RUTH LYKES," S. S. "STELLA LYKES," S. S. "TILLIE LYKES," AND S. S. "VELMA LYKES"—SUBSIDIZED VESSELS OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Almeria Lykes*, S. S. *Genevieve Lykes*, S. S. *Ruth Lykes*, S. S. *Stella Lykes*, S. S. *Tillie Lykes*, and S. S. *Velma Lykes*, subsidized vessels of the Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the

Commission made thereafter; it is, therefore

Ordered, That the minimum manning scales attached hereto for the S. S. *Almeria Lykes*, S. S. *Genevieve Lykes*, S. S. *Ruth Lykes*, S. S. *Stella Lykes*, S. S. *Tillie Lykes*, and S. S. *Velma Lykes*, subsidized vessels of the Operator, be and the same hereby are adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the same scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.,
Secretary.

Minimum Manning Scales To Be Observed on the Vessels S. S. "Almeria Lykes," S. S. "Genevieve Lykes," S. S. "Ruth Lykes," S. S. "Stella Lykes," S. S. "Tillie Lykes," and S. S. "Velma Lykes," of the Lykes Bros. Steamship Co., Inc.

Deck department:	RATING	Minimum
Master		1
Chief Mate		1
Second Mate		1
Third Mate		1
Radio Operator		1
A. B. Seamen		4
Ordinary Seamen		2
Engine department:		
Chief Engineer		1
1st Assistant Engineer		1
2nd Assistant Engineer		1
3rd Assistant Engineer		1
Oilers		3
Firemen		3
Wiper		1
Steward's department:		
Steward		1
Chief Cook		1
Second Cook and Baker		1
Messman		1
Messboys		2

¹ With radio auto alarm.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3278; Filed, September 7, 1939;
11:36 a. m.]

[General Order No. 15, Sup. 13b]

MINIMUM MANNING SCALE FOR THE S. S. "MARGARET LYKES," SUBSIDIZED VESSEL OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scale for the S. S. *Margaret Lykes*, subsidized vessel of Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

The Commission finding that the minimum scale hereinafter adopted for the above named subsidized vessel of the Operator is reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

Ordered, That the minimum manning scale attached hereto for the S. S. *Margaret Lykes*, subsidized vessel of the Operator, be and the same hereby is adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of said vessel without undue delay, the said scale shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scale, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, That the minimum manning scale hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, That the minimum manning scale hereby adopted shall become effective for said vessel upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scale, and that the operator be immediately served by registered mail with a copy of this Order and of the minimum manning scale hereby adopted.

[F. R. Doc. 39-3279; Filed, September 7, 1939;
11:36 a. m.]

¹ 2 F.R. 2257.

² 3 F.R. 639 DI.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
Secretary.

Minimum Manning Scale to be Observed on the Vessel S. S. "Margaret Lykes" of the Lykes Bros. Steamship Co., Inc.

RATING	Minimum
Deck department:	
Master	1
Chief Mate	1
Second Mate	1
Third Mate	1
Radio Operator	1
A. B. Seamen	5
Ordinary Seamen	2
Engine department:	
Chief Engineer	1
1st Asst. Engineer	1
2nd Asst. Engineer	1
3rd Asst. Engineer	1
Oilers	3
Firemen	3
Wipers	2
Steward's department:	
Steward	1
Chief Cook	1
Second Cook & Baker	1
Messman	1
Messboys	2

¹ With radio auto alarm.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3279; Filed, September 7, 1939;
11:36 a. m.]

[General Order No. 15, Sup. 13c]

MINIMUM MANNING SCALES FOR THE S. S. "AMERICAN PRESS," S. S. "CARDONIA," S. S. "CHESTER VALLEY," S. S. "CITY OF JOLIET," S. S. "CITY OF OMAHA," S. S. "CRANFORD," S. S. "NEMAHIA," S. S. "SYROS," S. S. "WINSTON SALEM," AND S. S. "HYBERT," SUBSIDIZED VESSELS OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. American Press, S. S. Cardonia, S. S. Chester Valley, S. S. City of Joliet, S. S. City of Omaha, S. S. Cranford, S. S. Nemaha, S. S. Syros, S. S. Winston Salem, and S. S. Hybert, subsidized vessels of Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon in-

vestigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

Ordered, That the minimum manning scales attached hereto for the S. S. American Press, S. S. Cardonia, S. S. Chester Valley, S. S. City of Joliet, S. S. City of Omaha, S. S. Cranford, S. S. Nemaha, S. S. Syros, S. S. Winston Salem, and S. S. Hybert, subsidized vessels of the Operator, be and the same hereby are adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
Secretary.

Minimum Manning Scales To Be Observed on the Vessels S. S. "American Press," S. S. "Cardonia," S. S. "Chester Valley," S. S. "City of Joliet," S. S. "City of Omaha," S. S. "Cranford," S. S. "Nemaha," S. S. "Syros," S. S. "Winston Salem," and S. S. "Hybert," of the Lykes Bros. Steamship Co., Inc.

RATING	Minimum
Deck department:	
Master	1
First Mate	1
Second Mate	1
Third Mate	1
Radio Operator	1
Boatswain	1
Carpenter	1
A. B. Seamen	6
Ordinary Seamen	3
Engine department:	
Chief Engineer	1
1st Asst. Engineer	1
2nd Asst. Engineer	1
3rd Asst. Engineer	1

¹ With radio auto alarm.

Engine department—Continued.	Minimum
Deck Engineer	1
Oilers	3
Firemen	3
Wipers	2
Steward's department:	
Steward	1
Chief Cook	1
Second Cook & Baker	1
Messman	1
Messboys	2

² The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3280; Filed, September 7, 1939;
11:36 a. m.]

[General Order No. 15, Sup. 13d]

MINIMUM MANNING SCALES FOR THE S. S. "AQUARIUS," S. S. "CRIPPLE CREEK," S. S. "DRYDEN," S. S. "DUQUESNE," S. S. "EFFINGHAM," S. S. "EGLANTINE," S. S. "ETHAN ALLEN," S. S. "ENDICOTT," S. S. "LIBERATOR," S. S. "MEANTICUT," S. S. "NARBO," S. S. "NASHABA," S. S. "NISHMAHA," S. S. "OAKMAN," S. S. "OAKWOOD," S. S. "PATRICK HENRY," S. S. "SCOTTSBURG," S. S. "TRIPP," S. S. "VOLUNTEER," S. S. "WABAN," S. S. "WEST CHATALA," S. S. "WEST COBALT," S. S. "WEST COHAS," S. S. "WEST EKONK," S. S. "WEST GAMBO," S. S. "WEST HARSHAW," S. S. "WEST HOBOMAC," S. S. "WEST QUECHEE," S. S. "WEST TACOOK," AND S. S. "WESTERN QUEEN," SUBSIDIZED VESSELS OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15¹ providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. Aquarius, S. S. Cripple Creek, S. S. Dryden, S. S. Duquesne, S. S. Effingham, S. S. Eglantine, S. S. Ethan Allen, S. S. Endicott, S. S. Liberator, S. S. Meanticut, S. S. Narbo, S. S. Nashaba, S. S. Nishmaha, S. S. Oakman, S. S. Oakwood, S. S. Patrick Henry, S. S. Scottsburg, S. S. Tripp, S. S. Volunteer, S. S. Waban, S. S. West Chatala, S. S. West Cobalt, S. S. West Cohas, S. S. West Ekonk, S. S. West Gambo, S. S. West Harshaw, S. S. West Hobomac, S. S. West Quechee, S. S. West Tacook and S. S. Western Queen, subsidized vessels of Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

¹ 2 F.R. 2257.

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

Ordered, That the minimum manning scales attached hereto for the S. S. *Aquarius*, S. S. *Cripple Creek*, S. S. *Dryden*, S. S. *Duquesne*, S. S. *Effingham*, S. S. *Eglantine*, S. S. *Ethan Allen*, S. S. *Endicott*, S. S. *Liberator*, S. S. *Meanticut*, S. S. *Narbo*, S. S. *Nashaba*, S. S. *Nishmaha*, S. S. *Oakman*, S. S. *Oakwood*, S. S. *Patrick Henry*, S. S. *Scottsburg*, S. S. *Tripp*, S. S. *Volunteer*, S. S. *Waban*, S. S. *West Chatala*, S. S. *West Cobalt*, S. S. *West Cohas*, S. S. *West Ekonk*, S. S. *West Gambo*, S. S. *West Harshaw*, S. S. *West Hobomac*, S. S. *West Quechee*, S. S. *West Tacook* and S. S. *Western Queen*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

Ordered, that the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

Ordered, that the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.,
Secretary.

Minimum Manning Scales to be Observed on the Vessels S. S. "Aquarius," S. S. "Cripple Creek," S. S. "Dryden," S. S. "Duquesne," S. S. "Effingham," S. S. "Eglantine," S. S. "Ethan Allen," S. S. "Endicott," S. S. "Liberator," S. S. "Meanticut," S. S. "Narbo," S. S.

"Nashaba," S. S. "Nishmaha," S. S. "Oakman," S. S. "Oakwood," S. S. "Patrick Henry," S. S. "Scottsburg," S. S. "Tripp," S. S. "Volunteer," S. S. "Waban," S. S. "West Chatala," S. S. "West Cobalt," S. S. "West Cohas," S. S. "West Ekonk," S. S. "West Gambo," S. S. "West Harshaw," S. S. "West Hobomac," S. S. "West Quechee," S. S. "West Tacook" and S. S. "Western Queen," of Lykes Bros. Steamship Co., Inc.

RATING

Deck department:	Minimum	
Master	1	
First Mate	1	
Second Mate	1	
Third Mate	1	
Radio Operator	1	
Boatswain	1	
Carpenter	1	
A. B. Seamen	6	
Ordinary Seamen	3	
Engine department:		
Chief Engineer	1	
1st Asst. Engineer	1	
2nd Asst. Engineer	1	
3rd Asst. Engineer	1	
Deck Engineer	1	
Oilers	1	
Firemen	3	
Wipers	2	
Steward's department:		
Steward	1	
Chief Cook	1	
Second Cook & Baker	1	
Messmen	1	
Messboys	2	

¹ With radio auto alarm.

² The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3281; Filed, September 7, 1939; 11:37 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 387]

FARMS NOT RECEIVING CENTRAL STATION ELECTRIC SERVICE

SEPTEMBER 5, 1939.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are set forth in the following schedule, and I hereby allot from the sum of \$20,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans

in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1939	Allotment for loans during the fiscal year ending June 30, 1940
United States	5,347,375	\$20,000,000
Alabama	258,961	968,554
Arizona	10,749	40,203
Arkansas	244,319	913,790
California	42,416	158,642
Colorado	50,103	187,393
Connecticut	18,469	69,077
Delaware	7,687	28,751
Florida	73,368	274,408
Georgia	219,510	821,001
Idaho	21,298	70,658
Illinois	173,664	649,530
Indiana	120,133	482,977
Iowa	167,028	624,710
Kansas	145,049	542,505
Kentucky	273,849	1,024,237
Louisiana	160,446	600,093
Maine	24,971	93,395
Maryland	29,761	111,311
Massachusetts	18,477	69,107
Michigan	73,415	274,583
Minnesota	165,595	619,351
Mississippi	307,295	1,149,330
Missouri	249,219	932,117
Montana	35,174	131,556
Nebraska	105,261	393,692
Nevada	2,668	9,979
New Hampshire	8,228	30,774
New Jersey	6,724	25,149
New Mexico	38,988	145,821
New York	98,721	369,232
North Carolina	261,505	978,069
North Dakota	70,276	262,843
Ohio	183,202	572,999
Oklahoma	196,665	725,669
Oregon	35,835	134,028
Pennsylvania	92,053	344,292
Rhode Island	678	2,536
South Carolina	142,692	533,690
South Dakota	69,128	253,549
Tennessee	250,343	969,982
Texas	442,283	1,654,206
Utah	13,919	52,059
Vermont	18,278	68,363
Virginia	158,152	591,513
Washington	39,703	148,495
West Virginia	94,596	353,804
Wisconsin	125,253	468,465
Wyoming	13,238	49,512

[SEAL]

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 39-3283; Filed, September 7, 1939; 12:28 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 62]

CANCELLATION OF ORDER REQUIRING FILING OF REPORT ON FOREIGN TRAFFIC

Whereas, the Commission, on August 8, 1939, adopted Order No. 61 requiring every common carrier subject to the Communications Act engaged in foreign telegraph communication to file with the Commission, not later than November 10, 1939, a report of their foreign traffic for certain days in September, 1939; and

Whereas, the existing international situation will prevent the study from being useful;

Therefore, it is ordered, This 5th day of September 1939, that Order No. 61 of the Federal Communications Commis-

sion, dated August 8, 1939,¹ be, and it is hereby, cancelled.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE, Secretary.

[F. R. Doc. 39-3282; Filed, September 7, 1939;
12:27 p. m.]

FEDERAL POWER COMMISSION.

[Project No. 108]

IN THE MATTER OF NORTHERN STATES
POWER COMPANY (WISCONSIN), LI-
CENSEE

ORDER GRANTING PETITION FOR REHEARING

SEPTEMBER 5, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon consideration of Petition for Rehearing dated August 5, 1939, and filed on August 7, 1939, by Northern States Power Company (Wisconsin), Licensee for Project No. 108, with respect to the provisions of the Commission's order of June 27, 1939, relating to the disposition of the amount of \$208,526.72 disallowed by the Commission as part of the actual legitimate original cost of said project;

It is ordered. That:

(a) A rehearing on paragraph (C) of the Commission's order of June 27, 1939, be and the same is hereby granted, such rehearing to begin at 10:00 A. M. on the 26th day of September, 1939, in the Hearing Room of the Commission, Hurley Wright Building, 1800 Pennsylvania Avenue NW, Washington, D. C.

(b) Licensee's compliance with paragraph (D) of the Commission's order of June 27, 1939, be held in abeyance until a date to be hereafter set.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-3260; Filed, September 7, 1939;
9:23 a. m.]

[Docket No. IT-5582]

IN THE MATTER OF SUSQUEHANNA TRANS-
MISSION COMPANY OF PENNSYLVANIA AND
PENNSYLVANIA WATER & POWER COM-
PANY

NOTICE OF APPLICATION

SEPTEMBER 7, 1939.

Notice is hereby given that on August 30, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing a merger of facilities of the Pennsylvania Transmission Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, with those of the applicant, in accord-

ance with the terms of an agreement whereby applicant proposes to purchase all of the franchises and property, real, personal and mixed, of the Pennsylvania Transmission Company, which includes two 220,000-volt, 60-cycle, single-circuit, steel tower transmission lines, 15 and 18 miles long respectively, extending from the generating station of the Safe Harbor Water Power Corporation at Safe Harbor, Pennsylvania, to the Pennsylvania state line, in consideration for the delivery by applicant to the said Pennsylvania Transmission Company of all of the latter Company's outstanding capital stock, consisting of 5,729 shares having a par value of \$100.00 each, and the assumption by applicant of all of the obligations and indebtedness of the Pennsylvania Transmission Company which includes \$118,994.23 due applicant on an open account, all as more fully appears in the application on file with the Commission. (Notice of application by the Pennsylvania Transmission Company involving this transaction was published in the FEDERAL REGISTER on August 8, 1939.)

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 22nd day of September, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-3275; Filed, September 7, 1939;
11:23 a. m.]

[Docket No. IT-5583]

IN THE MATTER OF PENNSYLVANIA TRANS-
MISSION COMPANY AND PENNSYLVANIA
WATER & POWER COMPANY

NOTICE OF APPLICATION

SEPTEMBER 7, 1939.

Notice is hereby given that on August 30, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing a merger of facilities of the Pennsylvania Transmission Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, with those of the applicant, in accord-

ance with the terms of an agreement whereby applicant proposes to purchase all of the franchises and property, real, personal and mixed, of the Pennsylvania Transmission Company, which includes two 220,000-volt, 60-cycle, single-circuit, steel tower transmission lines, 15 and 18 miles long respectively, extending from the generating station of the Safe Harbor Water Power Corporation at Safe Harbor, Pennsylvania, to the Pennsylvania state line, in consideration for the delivery by applicant to the said Pennsylvania Transmission Company of all of the latter Company's outstanding capital stock, consisting of 5,729 shares having a par value of \$100.00 each, and the assumption by applicant of all of the obligations and indebtedness of the Pennsylvania Transmission Company which includes \$118,994.23 due applicant on an open account, all as more fully appears in the application on file with the Commission. (Notice of application by the Pennsylvania Transmission Company involving this transaction was published in the FEDERAL REGISTER on August 8, 1939.)

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 22nd day of September, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-3276; Filed, September 7, 1939;
11:23 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of Sept., A. D. 1939.

[File No. 1-2308]

IN THE MATTER OF BELMONT METALS COR-
PORATION COMMON CAPITAL STOCK, PAR
VALUE 25 CENTS

ORDER WITHDRAWING REGISTRATION OF SE-
CURITIES ON A NATIONAL SECURITIES EX-
CHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether or not the registration on the San Francisco Mining Exchange of the common capital stock, par value 25 cents, of Belmont Metals Corporation, should be suspended, or whether or not the registration of such stock should be withdrawn; and

After appropriate notice, a hearing having been held, the Trial Examiner

¹ 4 F.R. 3616 D.L.

having filed an advisory report, and no exceptions thereto having been taken; and

The Commission having fully considered this matter and having entered its findings herewith:

It is ordered, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, that the registration on the San Francisco Mining Exchange of the common capital stock, par value 25 cents, of Belmont Metals Corporation, shall be and the same is hereby withdrawn, effective at the close of business on September 16, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3268; Filed, September 7, 1939;
10:52 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of Sept., A. D. 1939.

[File Nos. 7-257, 258, 298-308]

IN THE MATTER OF APPLICATIONS BY THE DETROIT STOCK EXCHANGE FOR THE EXTENSION OF UNLISTED TRADING PRIVILEGES IN ANACONDA COPPER MINING COMPANY COMMON STOCK, \$50 PAR VALUE; BUDD WHEEL COMPANY COMMON STOCK, NO PAR VALUE; CITIES SERVICE COMPANY COMMON STOCK, \$10 PAR VALUE; THE ELECTRIC AUTO-LITE COMPANY COMMON STOCK, \$5 PAR VALUE; ELECTRIC POWER & LIGHT CORPORATION COMMON STOCK, NO PAR VALUE; F. L. JACOBS CO. COMMON STOCK, \$1 PAR VALUE; MONTGOMERY WARD & CO., INCORPORATED COMMON STOCK, NO PAR VALUE; PENNSYLVANIA RAILROAD COMPANY CAPITAL STOCK, \$50 PAR VALUE; SEARS, ROEBUCK AND COMPANY CAPITAL STOCK, NO PAR VALUE; UNITED STATES RUBBER COMPANY COMMON STOCK, \$10 PAR VALUE; UNITED STATES STEEL CORPORATION COMMON STOCK, NO PAR VALUE; HIRAM WALKER-GOODERHAM & WORTS, LIMITED COMMON STOCK, NO PAR VALUE; YELLOW TRUCK & COACH

MANUFACTURING COMPANY CLASS B STOCK, \$1 PAR VALUE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Detroit Stock Exchange, having made application to the Commission pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to the above described securities; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings and opinion herein:

It is ordered, That the application of the Detroit Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to F. L. Jacobs Co. common stock, \$1 par value, be and the same hereby is granted:

It is further ordered, That the application of the Detroit Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to Hiram Walker-Gooderham & Worts, Limited, common stock, no par value, be and the same hereby is denied.

It is further ordered, That decisions on the applications of the Detroit Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to Anaconda Copper Mining Company common stock, Budd Wheel Company common stock, Cities Service Company common stock, The Electric Auto-Lite Company common stock, Electric Power & Light Corporation common stock, Montgomery Ward & Co., Incorporated, common stock, Pennsylvania Railroad Company capital stock, Sears, Roebuck and Company capital stock, United States Rubber Company common stock, United States Steel Corporation common stock, and Yellow Truck & Coach Manufacturing Company Class "B" stock, be and they hereby are reserved in accordance with the findings and opinion of the Commission issued herein this day.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3269; Filed, September 7, 1939;
10:52 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of Sept., A. D. 1939.

[File Nos. 7-371 to 7-374, incl.]

IN THE MATTER OF APPLICATIONS BY THE PHILADELPHIA STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ROUND LOTS IN ATLAS CORPORATION COMMON STOCK, \$5 PAR VALUE; BETHLEHEM STEEL CORPORATION COMMON STOCK, NO PAR VALUE; NIAGARA HUDSON POWER CORPORATION COMMON STOCK, \$10 PAR VALUE; THE STUDEBAKER CORPORATION COMMON STOCK, \$1 PAR VALUE

ORDER DISPOSING OF APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES IN ROUND LOTS

The Philadelphia Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, for the extension of unlisted trading privileges in round lots to the above described securities; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings and opinion herein;

It is ordered, That the applications of the Philadelphia Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for the extension of unlisted trading privileges in round lots to Bethlehem Steel Corporation common stock, no par value, Niagara Hudson Power Corporation common stock, \$10 par value, and The Studebaker Corporation common stock, \$1 par value, be and the same are hereby granted.

It is further ordered, That the application of the Philadelphia Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for the extension of unlisted trading privileges in round lots to Atlas Corporation common stock, \$5 par value, be and the same hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3270; Filed, September 7, 1939;
10:52 a. m.]